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BY ECF

Hon. Katharine H. Parker
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

May 3, 2024

APPLICATION GRANTED: The Initial Conference set for 5/14/2024 at 02:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby rescheduled to Tuesday, July 23, 2024 at 11:30 a.m. The Plaintiff is directed to serve a copy of this endorsement on the Defendants.

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.

Re: *Abbey v. Aldag, et al.*, Case No. 1:24-cv-01589-GHW-KHP (S.D.N.Y.) **05/06/2024**

Dear Judge Parker:

We represent plaintiff Kyle Abbey in the above-referenced action (the “Action”). We write on behalf of the parties in the Action to respectfully request a sixty (60) day adjournment of the Initial Conference currently set for May 14, 2024.

On March 12, 2024, a Stipulation to Consolidate Related Derivative Actions and Appoint Co-Lead Counsel, with proposed Order, was filed in the earlier-filed derivative action *Kanno v. Aldag, et al.*, Case No. 1:23-cv-10934 (S.D.N.Y.) (the “*Kanno* Action”), which is presently pending before Judge Broderick. See True and correct copy annexed hereto as Exhibit A. That stipulation provided for the consolidation of the Action and the *Kanno* Action, as well as Defendants’ acceptance of service in the Action. *Id.*, ¶ 1. Judge Broderick has not yet acted on the Stipulation and Proposed Order.

In order to avoid the unnecessary expenditure of time and resources of the Court, the parties respectfully request that the Court adjourn the Initial Conference for sixty (60) days to allow Judge Broderick to act on the Stipulation and Proposed Order. The parties anticipate that consolidation will be granted, at which point the consolidated action will proceed before Judge Broderick.

We will, of course, promptly answer any questions by the Court, and provide any additional information Your Honor might request.

Respectfully,

/s/ *Timothy J. MacFall*

Timothy J. MacFall

cc: Nathaniel D. Cullerton (*via E-mail*)

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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KUNIHIKO KANNO, derivatively on behalf of
MEDICAL PROPERTIES TRUST, INC.,

Case No.: 1:23-cv-10934-VSB

Plaintiff,

v.

EDWARD K. ALDAG, JR., J. KEVIN HANNA,
R. STEVEN HAMNER, G. STEVEN
DAWSON, CATERINA A. MOZINGO, EMILY
W. MURPHY, ELIZABETH N. PITMAN, D.
PAUL SPARKS, JR., MICHAEL G. STEWART,
and C. REYNOLDS THOMPSON, III,

Defendants,

and,

MEDICAL PROPERTIES TRUST, INC.,

Nominal Defendant.

KYLE ABBEY, Derivatively On Behalf Of
MEDICAL PROPERTIES TRUST, INC.,

Case No: 1:24-cv-01589-GHW

Plaintiff,

v.

EDWARD K. ALDAG, JR., J. KEVIN HANNA,
R. STEVEN HAMNER, G. STEVEN
DAWSON, CATERINA A. MOZINGO, EMILY
W. MURPHY, ELIZABETH N. PITMAN, D.
PAUL SPARKS, JR., MICHAEL G. STEWART,
and C. REYNOLDS THOMPSON, III,

Defendants,

and,

MEDICAL PROPERTIES TRUST, INC.,

Nominal Defendant.

**STIPULATION TO CONSOLIDATE RELATED DERIVATIVE ACTIONS
AND APPOINT CO-LEAD COUNSEL**

WHEREAS, on December 18, 2023, Plaintiff Kunihiko Kanno (“Kanno”) filed a shareholder derivative action on behalf of nominal defendant Medical Properties Trust, Inc. (“MPT” or the “Company”) in this Court alleging violations of the Securities Exchange Act of 1934 (the “Exchange Act”), breach of fiduciary duties, abuse of control, waste of corporate assets, gross mismanagement, and unjust enrichment against individual defendants Edward K. Aldag, Jr., J. Kevin Hanna, R. Steven Hamner, G. Steven Dawson, Caterina A. Mozingo, Emily W. Murphy, Elizabeth N. Pitman, D. Paul Sparks, Jr., Michael G. Stewart, and C. Reynolds Thompson, III (the “Individual Defendants” and together with the Company, “Defendants”), captioned *Kanno v. Aldag, et al.*, Case No. 1:23-cv-10934-VSB (the “Kanno Action”);

WHEREAS, on March 1, 2024, Plaintiff Kyle Abbey (“Abbey”) filed a shareholder derivative action on behalf of MPT in this Court asserting claims for violations of the Exchange Act, breach of fiduciary duties, waste of corporate assets, gross mismanagement, and unjust enrichment against the Individual Defendants, captioned *Abbey v. Aldag, et al.*, Case No. 1:24-cv-01589-GHW (“Abbey Action”);

WHEREAS, Plaintiffs Kanno and Abbey (collectively, “Plaintiffs”) and Defendants (together with Plaintiffs, the “Parties”) in the Kanno Action and Abbey Action (collectively, the “Derivative Actions”) agree that there is substantial overlap between the facts and circumstances alleged in the Derivative Actions, including the relevance of many of the same documents and witnesses, and that judicial economy would be preserved by consolidating the Derivative Actions;

WHEREAS, Plaintiffs have conferred and agree that the administration of justice would be best served by appointing The Brown Law Firm and Rigrodsky Law, P.A., the respective resumes are attached hereto as Exhibits A and B, as co-lead counsel as set forth herein;

WHEREAS, Defendants take no position regarding the appointment of Lead Counsel for Plaintiffs;

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED as follows:

1. Defendants hereby accept service of the complaint filed in the Abbey Action through their undersigned counsel, to the extent they have not already been served.

2. The above-captioned actions are to be consolidated for all purposes including trial, under Case No. 2:24-cv-00307, (collectively the “Consolidated Action”), and shall bear the following caption:

IN RE MEDICAL PROPERTIES TRUST, INC. STOCKHOLDER DERIVATIVE LITIGATION	Case No.: 1:23-cv-10934 -VSB
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3. All papers filed in connection with the Consolidated Action need only be filed in Case No.: 1:23-cv-10934 -VSB.

4. This Order shall apply to each purported derivative action arising out of the same or substantially similar transactions or events as the Consolidated Action that is subsequently filed in, removed to, or transferred to this Court. When a case which properly belongs as part of *In re Medical Properties Trust, Inc. Stockholder Derivative Litigation*, Lead Case 1:23-cv-10934-VSB, is hereafter filed in, remanded to, or transferred to this Court, counsel for the Parties shall call such filing, remand, or transfer to the attention of the Clerk of the Court for purposes of moving the Court for an order consolidating such case(s) with *In re Medical Properties Trust, Inc. Stockholder Derivative Litigation*, Lead Case 1:23-cv-10934-VSB. Unless otherwise ordered, the terms of all orders, rulings, and decisions in the Consolidated Action shall apply to all later shareholder derivative actions that are substantially similar or the same and that are filed in this Court, removed to this Court, reassigned to this Court, or transferred to this Court from another court, and such shareholder derivative actions shall be consolidated into the Consolidated Action.

5. The law firms The Brown Law Firm and Rigrodsky Law, P.A. are appointed Co-Lead Counsel in the Consolidated Action.

6. Co-Lead Counsel shall have sole authority to speak for Plaintiffs in all matters regarding pre-trial procedure, trial, and settlement, and shall assign all work in their discretion in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid unnecessarily duplicative or unproductive effort.

7. Co-Lead Counsel shall be available and responsible for communications to and from this Court, including distributing orders and other directions from the Court to counsel. Co-Lead Counsel shall be responsible for creating and maintaining a master service list of all parties and their respective counsel.

8. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on Plaintiffs.

9. Co-Liaison Counsel shall be available and responsible for communications to and from this Court, including distributing orders and other directions from the Court to counsel.

10. The parties in the Consolidated Action shall submit a proposed schedule for the Consolidated Action by April 5, and Defendants need not respond to any of the complaints filed in the Consolidated Action until the date set forth in the Court's ruling on the proposed schedule.

11. This stipulation is without prejudice to all defenses Defendants may assert in the Consolidated Action or in any other related derivative action subsequently filed in, removed to, or transferred to this Court.

Dated: March 12, 2024

THE BROWN LAW FIRM, P.C.

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Proposed Co-Lead Counsel for Plaintiffs

Dated: March 12, 2024

RIGRODSKY LAW, P.A.

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Proposed Co-Lead Counsel for Plaintiffs

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Additional Counsel for Plaintiffs

Dated: March 12, 2024

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Attorneys for Defendants Edward K. Aldag, Jr., J. Kevin Hanna, R. Steven Hamner, G. Steven Dawson, Caterina A. Mozingo, Emily W. Murphy, Elizabeth N. Pitman, D. Paul Sparks, Jr., Michael G. Stewart, and C. Reynolds Thompson, III and Nominal Defendant Medical Properties Trust, Inc.

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SO ORDERED this _____ day of _____, 2024.

Hon. Vernon S. Broderick